

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C)(PIL) No.05/2021**

**Along with**

**WP(C) No.346/2021**

**WP(C) No.350/2021**

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For Petitioner(s):

In WP(C)(PIL) No.05/2021 : Ms. R. Guha, Advocate.

In WP(C) No.346/2021 : Mr. Somik Deb, Sr. Advocate,  
Mr. Abir Baran, Advocate.

In WP(C) No.350/2021 : Mr. P. Roy Barman, Sr. Advocate,  
Mr. Samarjit Bhattacharjee, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General,  
Ms. Ayantika Chakraborty, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI  
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

**Order**

**05/05/2021**  
*(Akil Kureshi, C.J.)*

An unfortunate incident of the District Magistrate of West Tripura allegedly storming and raiding marriage functions on the night of 26.04.2021 is at the centre of controversy. WP(C)(PIL) No.05 of 2021 is filed by an advocate. He seeks action against the District Magistrate concerned and has also prayed for other prayers. WP(C) No.346 of 2021 is filed by the priest who was to perform the marriage ceremony. He has filed a complaint of misbehaviour and assault by the District Magistrate on himself and other

members of the marriage party. WP(C) No.350 of 2021 is filed by the father of the bride whose marriage was to take place on that night. The petitioners of writ petitions have based their cases on personal information since they were both present at the site. The public interest petitioner has based his case substantially on the video footages of the alleged incident which are available in the social media.

On 03.05.2021 we had passed a detailed order requiring the parties to produce additional documents and materials on record as also given certain directions to enable us to inquire into the unfortunate incident further. We had also requested the learned Advocate General to take instructions whether the District Magistrate concerned shall be shifted out of Agartala so that the two member inquiry committee constituted by the Government to inquire into the incident can proceed impartially. We had recorded brief reasons for making such a request.

In response to the said request, the learned Advocate General stated under instructions which was backed by affidavit filed by the Deputy Secretary of G.A. Department and documents annexed therewith that the District Magistrate has been divested of all charges. It was stated that he has gone on leave for 12 days with permission to leave the station and, therefore, this would be sufficient compliance of the request of the Court. We were,

however, of the opinion that this would only be a stopgap arrangement and in any case does not satisfy the request that we had made to the learned Advocate General which was recorded in our order dated 03.05.2021. He thereupon had taken further instructions from the Government and stated that an order transferring the District Magistrate outside Agartala would be passed today. We accept the statement.

In response to our said order dated 03.05.2021 the State administration has also placed on record the different complaints filed by various people before the West Agartala Police Station in connection with the said incident. The administration has also provided the stages of the inquiry/ investigation into such complaints. Perusal of such materials would show that the concerned police authority had required the police officials to inquire into the complaints before deciding to take further action. In some of these cases the report made by the official concerned is that there is *prima facie* material disclosing commission of offence under section 323 of Indian Penal Code. However, this being a non-cognizable offence the report is made to the concerned Magistrate. One more point made by the authority is that in view of Section 73 of the Disaster Management Act, no action can be taken against any authority in respect of any work done in good faith by such authority

under the provisions of the said Act or the rules or the regulations made thereunder.

Learned advocates for the petitioners submitted that there is no order passed by any competent authority under the Disaster Management Act, 2005. The order imposing restrictions including imposing Night Curfew after 10 p.m. till 5 a.m. which was passed on 22.04.2021 by the District Magistrate was in exercise of powers under Section 144 of Cr.P.C. Learned senior counsel Mr. Somik Deb also argued that the action taken by the District Magistrate cannot be stated to be in good faith and, therefore, protection under Section 73 of the Disaster Management Act would, therefore, not be available to him.

From the complaint that the District Magistrate had filed before the West Agartala Police Station on 28.04.2021, it would *prima facie* appear that he was seeking to enforce the restrictions of not more than 50 people in a marriage ceremony in any closed hall as also the Night Curfew both of which were part of the order that he passed on 22.04.2021 under Section 144 of Cr.P.C. No order passed by the administration under the Disaster Management Act, 2005 which the District Magistrate was seeking to enforce has been brought to our notice. However, these are the issues which would certainly come up before the concerned Magistrate before whom the police

authorities have made a report of allegation of commission of cognizable offence against a District Magistrate.

One of the serious issues which arise in these proceedings is the allegation of the petitioners that on the night of 26.04.2021 under the instructions of the District Magistrate large number of family members and guests attending the marriage function were detained at the police station for a considerable period of time. This included women and children. In response to this allegation the respondents have filed an affidavit stating that no arrest or even detention was ever made. The members present at the hall were brought to the police station since after the curfew hours they did not have a passage home. Therefore, in order to provide safe passage they were brought to the West Agartala Police Station and the women and children were taken to the Women Police Station.

We are unable to appreciate why if the administration was desirous of providing a safe passage to the citizens, the same could not have been done from the marriage hall or the outside precincts thereof and what was the need for bringing the entire marriage party including women and children to the police station. We will inquire into this allegation minutely.

Coming to the writ petition filed by the father of the bride i.e. WP(C) No.350 of 2021, learned senior counsel Mr. P. Roy Barman at the

outset stated that he is not pressing the prayer for quashing the FIR filed by the District Magistrate before West Agartala Police Station on 28.04.2021 in relation to the incident of the night of 26.04.2021. He, however, submitted that the marriage ceremony was going on as per the permission granted by the District Magistrate himself and there was no breach of any of the restrictions issued by the administration. Despite this, the District Magistrate raided the marriage hall, misbehaved with the family members and their guests, ill-treated the women and detained the members of the marriage party including women and children. He submitted that there were young children attending the function who were terrorized on account of this show of force by the District Magistrate who had come with a large raiding party of police persons. He pointed out that the petitioner has also lodged a complaint with respect to this incident on 27.04.2021 before the West Agartala Police Station in which the allegations, *inter alia*, made are that the District Magistrate had not only used filthy language targeting the women present in the marriage hall but also outraged the modesty of some of the women touching them improperly. He submitted that this complaint thus discloses commission of a cognizable offence and, therefore, must be registered as an FIR.

Now, that the State administration has agreed to transfer the District Magistrate out of Agartala, we would lift the rigors against conduct of

further inquiry instituted by the State Government. However, looking to the sensitive nature of the incident serious allegations and counter allegations made by both sides, we are of the opinion that such inquiry committee should be expanded so as to include a retired District Judge. What further course of action should be taken with respect to the complaint filed by the petitioner of WP(C) No.350 of 2021 shall be discussed after issuing notice to the respondents including the District Magistrate concerned.

Under the circumstances, following order is passed:

(i) We record the statement of the learned Advocate General that an order of transfer of the District Magistrate to Belonia has already been passed;

(ii) The two member inquiry committee constituted by the State Government under order dated 28.04.2021 passed by the Secretary, Government of Tripura shall include former District Judge Mr. Subhash Sikdar. A formal order in this respect shall be passed by the Secretary by tomorrow. It will be the responsibility of the administration to provide him all necessary facilities to enable him to attend to the meetings of the inquiry committee.

(iii) The terms of the committee as per the said order dated 28.04.2021 are as under:

“The committee will conduct a detailed inquiry into the incident and suggest measures to be taken in the matter.”

This is wide enough to include inquiring into the allegations of illegal detention of members of the marriage party including women and children. In any case, it is clarified that while inquiring into the entire incident the committee shall also inquire into this allegation of the petitioners and make a specific report in this respect;

(iv) The inquiry committee freshly constituted with addition of one member would proceed with the inquiry from the stage it has already reached and for which purpose the stay granted against further inquiry in the order dated 03.05.2021 is lifted;

(v) The report of the inquiry shall not be published without first placing it before the Court and without the leave of the Court;

(vi) We notice from the record that several complaints have already been filed in relation to the said incident by the persons who were present at the site as well as those who were not. Now that such complaints have already been filed, we would expect the members of the public not to burden the administration by filing fresh complaints unless some new allegation or angle which is not already brought on record comes to light;

(vii) In WP(C) No.350 of 2021 issue notice to the respondents, returnable for 12.05.2021. Learned counsel Ms. Ayantika Chakraborty waived notice on behalf of the official respondents. Direct service to respondent No.7 permitted which may be effected through his official e-mail address along with a copy of this order and the full set of the writ petition.

Before closing we record and substantially share the anxiety of the learned Advocate General that at a difficult time when the State is grappling with spread of coronavirus, the persons engaged in enforcing rules and regulations should not be demoralized.

**(S.G. CHATTOPADHYAY), J**

**(AKIL KURESHI), CJ**

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